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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,090	06/20/2001	Yasuo Matsumura	109890	2361

7590 01/29/2004
Oliff & Berridge PLC
P.O. Box 19928
Alexandria, VA 22320

EXAMINER

NOTE, JANIS L

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/884,090	6/20/01	MATSUMURA et al	109890

EXAMINER	
J. DOTE	
ART UNIT	PAPER NUMBER
1756	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

This is the third notice of a non-compliant amendment responding to the outstanding office action mailed on Feb. 26, 2003.

The amendment document filed on Oct. 23, 2003, is not fully responsive to the notice of non-compliance mailed on Oct. 14, 2003, because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction to the following item(s) is required in compliance with 37 CFR 1.121 as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), in this case, the entire "Amendments to the Specification" section of applicant's amendment document must be resubmitted.** 37 CFR 1.12(h).

The "Amendments to the specification" filed on Oct. 23, 2003, did not present the entire "Amendments to the Specification," argued in the previously filed response of Jul. 23, 2003, as required by 37 CFR 1.121. The "Amendments to the Specification" only presented the amended paragraph beginning at page 5, line 19, of the specification. The previous "Amendments to the specification" filed on Jul. 23, 2003 (Amdt072303), that was held to be non-compliant for the reasons set forth in the notice mailed on Oct. 14, 2003, presented four amended paragraphs to the specification, which included that beginning at page 5, line 19, and those beginning

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at (1) page 11, line 13, (2) page 22, line 4, and (3) page 27, line 15, of the specification. Those four amended paragraphs were not entered. Applicants' response filed on Jul. 23, 2003, to the non-final office action mailed on Feb. 26, 2003, presented arguments that refer to all four amended paragraphs.

In order to be responsive to this letter, applicants should either:

(1) resubmit all four amended paragraphs to the specification in compliance with 37 CFR 1.121; or (2) clearly state on the record that applicants only intend to amend the paragraph beginning at page 5, line 19, of the specification, as filed in the "Amendments to the specification" on Oct. 23, 2003, and present a supplemental response to the response filed on Jul. 23, 2003, withdrawing all references to the non-entered amendments to the paragraphs beginning at (1) page 11, line 13, (2) page 22, line 4, and (3) page 27, line 15, of the specification, filled on Jul. 23, 2003.

Should applicants choose option (1), the examiner suggests that applicants' representative present a draft amendment to the examiner, so that the examiner can determine whether the draft amendment is in full compliance with 37 CFR 1.121.

Since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this notice within which to either re-submit the corrected entire "Amendments to the specification" which comply with 37 CFR 1.121, or the statement and supplemental response as set forth in option (2) in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

JLD
January 22, 2004

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 180
1700